



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

Subject of possible rule making:

The Department is proposing to amend rules under WAC 388-450-0015, "What types of income are not used by the department to figure out my benefits?", WAC 388-470-0045, "How do my resources count toward the resource limits for cash assistance?", WAC 388-470-0055, "How do my resources count toward the resource limit for Basic Food?", and other related rules as may be required. The amendments propose to implement income and asset exclusions for ABLE (Achieving a Better Life Experience) tax-deferred accounts and associated distributions.

Statutes authorizing the agency to adopt rules on this subject:

RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08A.120, 7 CFR 273.8 (e) and 273.9 (c).

Reasons why rules on this subject may be needed and what they might accomplish:

The ABLE accounts are a new tax-deferred account for 2015 created under the Achieving a Better Life Experience Act of 2014. These accounts are dedicated to provide for tax-deferred savings (non-deductible contributions) of up to \$14,000 per year for individuals who became blind or disabled before age 26.

Tax-free distributions from the ABLE account can be used to pay for housing, transportation, education, job training, and the like. The assets in an ABLE account are not counted toward an individual's eligibility to qualify for Medicaid, Supplemental Security Income, and other federal mean-tested benefits such as TANF and SNAP benefits. They are not mentioned in current program rules and must be added.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The United States Department of Agriculture, Food and Nutrition Services, regulates federal food benefits affected by this filing. No direct coordination is necessary. Adopted rules will be consistent with federal laws and regulations regarding filing and processing applications for food assistance under the Supplemental Nutrition Assistance Program (SNAP) under 7 U.S.C. 2020 and 7 CFR 273.8 and 273.9.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Bob Thibodeau

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DATE

July 29, 2015

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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